

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Defendant.

Crim. No. 17-201-1 (ABJ)

**EX PARTE and UNDER SEAL**

**MOTION TO UNSEAL PARTIALLY CERTAIN PLEADINGS**

The United States of America, by and through Special Counsel Robert S. Mueller, III, respectfully moves the Court for an Order to unseal partially the government's *ex parte* motion for leave to file a supplemental response (Doc. No. 308), as well as an associated declaration and exhibits, in the above-captioned matter.

In support of the requested relief, the government avers as follows:

1. On May 25, 2018, the government filed, *ex parte* and under seal, a motion for leave to file a supplemental response to defendant Paul J. Manafort, Jr.'s motion for reconsideration of his conditions of release (Doc. No. 291). In connection with that motion, the government filed, also *ex parte* and under seal, a declaration of Special Agent Brock W. Domin ("May 25 Declaration"). The government publicly disclosed the fact of this *ex parte* filing having been made, but not the filing's substance, in connection with its response to the Court's May 18, 2018 Minute Order. *See* Doc. No. 309.

2. By Minute Order dated May 31, 2018, the Court granted the government's motion.

3. On June 4, 2018, the government publicly filed a motion to revoke or revise Manafort's current order of pretrial release pursuant to 18 U.S.C. § 3148 (Doc. No. 315), which included an expanded version of Special Agent Domin's May 25 declaration ("June 4

Declaration”). In order to protect the identity of sources relevant to an ongoing investigation and in conformity with the United States Attorney’s Manual directive against publicly naming uncharged individuals, *see* U.S. Attorney’s Manual § 9-27.760, the government redacted certain information that would disclose the identities of witnesses and other names from the exhibits attached to Special Agent Domin’s June 4 declaration.

4. By Minute Order dated June 5, 2018, the Court transmitted, *ex parte* and under seal, an order requiring the government to notify the Court of any reason why the government’s May 25 motion (Doc. No. 308) needed to remain “*ex parte* and/or under seal” by Friday, June 8, 2018.

5. The government agrees that the government’s May 25 motion itself and the May 25 Declaration should be unsealed—with the exception of certain redactions to the exhibits described below.

6. Several of the exhibits attached to Special Agent Domin’s declaration contain identifying information that should be redacted to protect the identities of witnesses providing information to the government, to protect personal identifying information, to protect the confidentiality of an ongoing investigation, and to protect uncharged individuals from public opprobrium. As explained in the government’s opposition to Manafort’s motion to compel production of unredacted search-and-seizure warrant affidavits, protecting the identity of informers and the maintenance of the confidentiality of an ongoing investigation are legitimate reasons to withhold such information from the defendant during pretrial proceedings. *See* Govt’s Opposition to Defendant’s Motion to Compel Production, Doc No. 253, at 3–4 (collecting cases describing the informer’s privilege and recognizing the legitimate government interest in protecting an ongoing investigation).

7. The government has prepared a proposed redacted version of Special Agent Domin's May 25 Declaration, which it is submitting herewith. All proposed redactions mirror those included in Special Agent Domin's June 4 declaration—that is, none of the substance of Special Agent Domin's declaration is redacted, but the exhibits attached thereto have been redacted to obscure certain names.

For the foregoing reasons, the government respectfully requests that the Court enter an Order partially unsealing the government's May 25 *ex parte* filing (Doc. No. 308), subject to the redactions described above; and unsealing this motion.

Respectfully submitted,

ROBERT S. MUELLER, III  
Special Counsel

Dated: June 6, 2018

By:

/s/ Andrew Weissmann

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